

**Lawrence Berkeley National Laboratory
Contract Assurance Council
Minutes of the Monthly Meeting**

**Wednesday, December 12, 2007
University of California—Office of the President
Franklin 9204**

CAC members or representatives present:

Bob Foley	Patrick Reed	John Layton, by phone
Bob Van Ness	Buck Koonce	John Oakley, by phone
John Birely	Judy Boyette	Bill Eklund for Jeff Blair
Anne Broome	Al Diaz, by phone	

CAC members absent:

Larry Coleman	Gary Falle for Bruce Darling
---------------	------------------------------

UCOP Staff:

Ron Nelson	Jim Hirahara	Sharon Eklund
------------	--------------	---------------

Guest participants:

David McGraw, LBNL	Howard Hatayama, LBNL	Jeffrey Fernandez, LBNL John Chernowski, LBNL
--------------------	-----------------------	--

Welcome/Action Items

Bob Foley welcomed the Council members, and Jim Hirahara reported that on the action items:

- Items 33 and 34—LBNL will report on these items at a future meeting.
- Item 38—Hirahara explained that LBNL identifies issues and actions in the Risk Registry, CATS, and DOE Incident Reports. The Registry is probably the best vehicle to utilize to identify items to be communicated to the Council. If the item is sufficiently important, the Lab will bring the item to the Council. LBNL will also include a summary of monthly management briefings currently provided to David McGraw, including overdue high and medium risk actions from the issues management system, as a standing quarterly agenda item. We will review this plan as reflected in these minutes at the January Council meeting to determine whether we can close the action item.

Several changes were incorporated into the minutes of the November CAC meeting, and the modified minutes were distributed to Council members with the meeting materials. The Council should consider the minutes final as distributed.

Hg Spill

Howard Hatayama provided several details of the spill event, including

- Following the clean-up attempt immediately subsequent to the mercury spill, the vendor technician left the laboratory, believing the clean up to be complete.
- The vendor company had no protocols for the technician to follow in the event of a spill.
- The equipment the vendor was installing was purchased by UCB, and the vendor was under contract to UCB, where contract provisions may not be directly applicable for purposes of protecting the Lab's interests.
- No one secured the spill area or contacted EH&S despite participants having had the appropriate training and laboratory postings of what to do in the event of mercury spill.

The incident indicated an instance of failure of line management responsibility for ISM.

Resulting actions include

- LBNL is now working with the vendor's insurance company to recover the cost of the clean up.
- The Deputy Laboratory Director disciplined the responsible line manager.
- LBNL has modified the training and wall postings regarding what to do in the event of a spill.
- Hatayama has a team that is looking at how to handle safety planning for vendors institutionally. For example, In the Materials Science Division, the EH&S expert and the PI reviews safety aspects with the vendor before work is performed.

Various Council members stressed the importance of assuring that the disciplinary actions taken were sufficient to discourage similar behavior in the future and of having robust standards for all equipment at LBNL, regardless of to whom the property belongs.

Advisory Board Update

David McGraw reported that a major focus of the recent Advisory Board meeting was the new additions to the scientific and operations leadership team. These include Jennifer Ridgeway, Facilities; Vera Potapenko, Human Resources; Rosio Alvarez, Information Technology; Don DePaolo, Earth Sciences; Arun Majumdar, Environmental Energy Technologies; and Kathy Yelick, National Energy Research Scientific Computing Center Director. The Board was impressed with the caliber and quality of the leaders the Lab has successfully recruited. Horst Simon explained to the Board how LBNL has been involved in the broad effort to improve the energy efficiency of high-performance computers. The Board expressed its concern regarding barriers to LBNL participation in the Energy Biosciences Institute research due to differentials in overhead rates. Graham Fleming announced that he is stepping down as Deputy Director for a sabbatical, and the search committee is moving forward for a timely recruitment.

Action Items:

<i>#</i>	<i>Responsible Party</i>	<i>Action</i>	<i>Date Added</i>	<i>Status</i>
33	Fernandez LBNL	Report effectiveness of changes to and controls on signature authorities	08/15/07	OPEN—to be revisited in Jan. or Feb. 08
34	Fernandez LBNL	Updates on UCB/LBNL status of addressing the different indirect rate structures at the Lab versus Berkeley Campus	10/10/07 (discussions beginning on 08/15/07)	OPEN—future updates
38	Hirahara UCOP Krupnick LBNL	Determine what types of issues from the LBNL issues management system should be brought to the CAC	11/07/07	OPEN
39	Fernandez LBNL	Report on what measures UCB and LBNL take to require vendors to indemnify UC when the vendor is working at LBNL	12/12/07	OPEN
40	Fernandez LBNL	Report on how equipment owned by other organizations is managed at LBNL, including maintaining accountability and operational safety assurance	12/12/07	OPEN